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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 WILLIAM CHARLES CARNELL,) No. C 09-1847 MMC (PR)
9 Petitioner,)
10 v.) **ORDER OF DISMISSAL;**
11 THE STATE OF CALIFORNIA,) **TERMINATING ALL PENDING**
12 HUMBOLDT COUNTY SUPERIOR) **MOTIONS**
13 COURT,)
14 Respondents.)
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16 On April 28, 2009, petitioner, a California prisoner incarcerated at Kern Valley
17 State Prison and proceeding pro se, filed the above-titled petition for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254. That same date, the Court notified petitioner in
19 writing that the action was deficient due to petitioner's failure to pay the requisite filing
20 fee or, instead, to submit a completed court-approved in forma pauperis ("IFP")
21 application. Specifically, in said notice, petitioner was advised that he must submit a
22 Certificate of Funds in Prisoner's Account completed and signed by an authorized
23 officer at the prison, and must attach a copy of his prisoner trust account statement
24 showing transactions for the last six months. Petitioner was further advised that his
25 failure to pay the filing fee or, alternatively, to file a completed IFP application, within
26 thirty days, would result in dismissal of the action. Along with said notice, petitioner
27 was sent a copy of the court-approved prisoner's IFP application, instructions for
28 completing it, and a return envelope.

On May 14, 2009, the Court received from petitioner a letter in which petitioner


1 stated that on May 10, 2009 he had submitted a request to prison officials for the
2 requisite IFP documents; petitioner asked the Court to “hold the deadline a few days.”

3 As of today’s date, more than thirty days have passed since the deficiency notice
4 and petitioner has not filed a completed IFP application or paid the filing fee.
5 Accordingly, the above-titled action is hereby DISMISSED without prejudice.

6 The Clerk shall close the file and terminate all pending motions.

7 IT IS SO ORDERED.

8 DATED: June 9, 2009

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10 MAXINE M. CHESNEY
11 United States District Judge
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